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Amendments to the Claims

The listing of claims below will replace all prior versions and listings of claims in the application. The changes to currently amended claims are shown using strikethrough to identify deleted material and underlining to identify added material.

Listing of Claims:

1-5. (canceled)

6. (currently amended) A method for counting bacteria in a clinical specimen that comprises Gram positive and Gram negative bacteria, the method comprising:

preparing a first assay sample by dividing the clinical specimen into at least two parts and staining a first specimen part using a fluorescent dye, thereby producing a difference in fluorescent intensity between live bacteria and dead bacteria;

preparing a second assay sample by staining all bacteria in a second specimen part using ~~the~~ said fluorescent dye and a surface-active agent;

detecting a first optical information from the first assay sample;

detecting a second optical information from the second assay sample;

classifying and counting dead bacteria in the first assay sample based on the first optical information;

classifying and counting all bacteria in the second assay sample based on the second optical information; and

calculating a number of live bacteria based on a total bacteria count obtained from the second assay sample and a dead bacteria count obtained from the first assay sample.

7. (currently amended) The method of Claim 6, wherein ~~the~~ said fluorescent dye comprises a polymethine dye.

8-9. (canceled)

10. (original) The method of Claim 6, wherein the surface-active agent comprises a cationic surface-active agent.

11. (original) The method of Claim 6, wherein the staining is performed at a pH of between about 2.5 and about 4.5.

12. (original) The method of Claim 6, wherein the first optical information and the second optical information comprise fluorescent light.

13. (previously amended) The method of Claim 6, wherein the first optical information comprises fluorescent light and scattered light, and wherein the second optical information comprises fluorescent light and scattered light.

14-31. (canceled)

32. (currently amended) The method of claim 6, wherein the preparing of the second assay sample comprises damaging a cell membrane of the bacteria with the surface active agent to stain dead and live bacteria with ~~the~~ said fluorescent dye.

33. (previously added) The method of claim 6, wherein the first optical information and the second optical information are detected by using a flow cytometer.

34. (previously added) The method of claim 6, wherein the dead bacteria are stained more strongly than the live bacteria in the preparing of the first assay sample.